

MINUTES OF THE COOPER TOWNSHIP ZONING BOARD OF APPEALS

MEETING ON JANUARY 31, 2019

A meeting of the Zoning Board of Appeals of Cooper Charter Township was held on January 31, 2019, at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Chad Crosby, Curt Flowers, Sheryl Gluchowski, Keith Urban, Stephen Magura, Jason Wiersma.

Also Present: Russ Wicklund, Township Planning Consultant; Applicant James Pierce; and Township Attorney, Michael Homier.

Chairperson Gluchowski called the meeting to order at 4:30 p.m.

Review and Approval of Minutes

Members of the Zoning Board of Appeals indicated that they had not approved the minutes for the July 17, 2018 meeting. A Motion by Comm. Gluchowski to table approval of the July 17, 2018 session minutes, supported by Comm. Urban. A Motion by Comm. Gluchowski was made to approve the session minutes of the December 6, 2018 meeting, supported by Comm. Urban. Both motions carried 5-0-0.

Variance request of James Pierce of 4401 Roll Ridge, Kalamazoo, MI 49004, for a 4 foot variance due to the allowed accessory building ordinance dimensions of 30 by 36 feet.

Chairperson Gluchowski opened the public hearing and asked the applicant to provide background on the request. Mr. Pierce explained that he would like to have a specialty accessory building built on his property with the dimensions of 24 by 40 feet, and thereby requiring a 4 foot variance. The planned building would be custom steel (pole barn) built by a contractor and sided to match the exterior of the home. Mr. Pierce also conveyed that the square footage of the proposed building is smaller than the allowable square footage per the zoning ordinance. The request was solely due to the dimensions of the proposed building.

Board discussed the necessity for the variance and asked Mr. Pierce to elaborate on the need to build the project as described in his application. Discussion was held about the topography of his property and if there was anything hindering Mr. Pierce from building within the bounds of the ordinance. Mr. Pierce said that the project was designed to meet his specific needs and that there was nothing hindering him from building within the bounds of the ordinance except for personal preference.

Comm. Gluchowski explained that the Zoning Board of Appeals is governed by certain rules, and that they cannot be self-created to suit individual needs, rather than the specific legal requirement. Board discussed if a variance would be allowed considering that a reasonable alternative could be found, such as adjusting the dimensions of the proposed building to fit the Ordinance.

Constraints

The board has an obligation to consistently follow the rules and within the scope of review by the ZBA. If the topography or layout of the parcel was a concern then the board would have room allow a variance, but this is not the case. The Board also stated that the Planning Commission would have to amend the ordinance before the ZBA could reconsider the request if denied.

Due to those facts Comm. Urban motioned to deny the variance, supported by Magura. Denial is due to the fact that the board cannot grant a variance to suit the applicant's individual desire, but rather the details dictated by the ordinance. Motion Passed Denied. 3-2

Public Comment

No written comments were received.

Adjournment

There being no other business Comm. Gluchowski adjourned the meeting.